

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MARCOS CALCANO,

Plaintiff,

- against -

DEAR FIELDBINDER, INC.,

Defendant.  
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X

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: **MEMORANDUM DECISION  
AND ORDER**

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: 2:19-CV-06416 (AMD) (SMG)

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X

**ANN M. DONNELLY**, United States District Judge:

The plaintiff commenced this civil rights action on November 13, 2019. (ECF No. 1.) Magistrate Judge Steven M. Gold issued orders on February 21, March 4 and March 17, 2020 directing the plaintiff to file a letter reporting on how he intends to proceed with the case. The plaintiff did not respond to any of Judge Gold's orders.

On April 23, 2020, Judge Gold issued a report and recommendation, in which he recommends that I dismiss the action with prejudice for failure to prosecute. (ECF No. 7.) Judge Gold observes that the plaintiff did not comply with the Court's orders or otherwise communicate with the Court, and that it appears that the plaintiff has not served the defendant within 90 days of filing his complaint. (*Id.*)

A district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). To accept those portions of the report and recommendation to which no timely objection has been made, "a district court need only satisfy itself that there is no clear error on the face of the record." *Jarvis v. N. Am. Globex Fund, L.P.*, 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (internal quotation marks omitted).

I have reviewed Judge Gold's well-reasoned report and recommendation and find no error. Accordingly, I adopt the report and recommendation. The case is dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(b). The Clerk of Court is respectfully directed to close this case.

**SO ORDERED.**

s/Ann M. Donnelly

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Ann M. Donnelly  
United States District Judge

Dated: Brooklyn, New York  
May 11, 2020